

## REMARKS

Applicants respectfully request reconsideration as follows

The rejection of claims 1-3, 5-11, and 13-16 as being unpatentable over Petry (USP 6,941,348) in view of Gupta (USP 7,093,025)

Applicants respectfully note that the claimed subject matter is directed to an intranet server with a mail facility. Petry does not disclose or suggest an intranet whatsoever, let alone an intranet server with a mail facility. This is rather fundamental difference because Petry is directed to the management of email transmission between an initiating mail server and a receiving mail server. Thus, as shown in Figure 2 (with respect to firewall location B), the “electronic message management system (EMS)” of Petry is physically integrated with the receiving mail server 202. In that regard, Petry’s EMS can monitor the receiving server’s spooler. But note that Applicants are monitoring something entirely different: the health of the originating mail server. Petry has no way of monitoring the originating mail server – if the originating mail server’s spooler is inoperative, the EMS will simply receive no mail from that mail server. Because the Petry EMS is not receiving any mail in such a circumstance, it has no way of monitoring or investigating the originating mail server’s spooler: an inoperative originating mail server is simply non-existent as far as the Petry EMS is concerned. Instead, Petry is directed to a generic mail facility (electronic message management system (EMS)) that couples between mail servers – see, e.g., Figure 2, which shows Petry’s mail facility 203 coupling between mail server 202 and the Internet. This mail facility does not service or the originating mail server’s spool – instead, the mail facility 203 has its own spooler as

discussed with regard to Col. 12. This is an important distinction because the claimed subject matter is directed to solving the problem for an intranet server that has no way of knowing whether e-mails have been delivered or not. Petry's server never monitors the spool in the originating mail server. Instead, the citation to Col. 19, line 60 – Col. 20, line 55 is a description of how the EMS manages its own spool, which is separate from the spools in the mail servers it sits between. The notification discussed in Col. 9, lines 30-35 and Col. 12, lines 47-56, and Col. 20, lines 26-28 is with respect to its own spool, not the spool in the originating mail server – thus Petry has no way of knowing whether this mail spools is non-functional – for example, if the originating mail server's spool is non-functional, then Petry's EMS will never receive an email and thus has no way of knowing that the email was not delivered.

Because Petry is not directed to an intranet web server, Petry does not disclose or suggest the preamble limitation of an “intranet web server that automatically generates email from an intranet user and queues the automatically-generated email in an email spooler from where the automatically-generated email is sent to a mail server for delivery to an intended recipient, and wherein automatically-generated email that was undeliverable to an intended recipient is returned to the intranet web server.” This is an affirmative limitation because the intranet web server is referred to in the body of the claim. And because Petry is not directed to intranet web server that is originating mail, Petry makes no teaching or suggestion for the claim 1 acts of “(e) resending the undeliverable email to the intended recipient if act (d) determines that an undeliverable email was returned because of a problem with the mail server; and (f) sending the undeliverable email to the originating intranet user if act (d) determines that an

undeliverable email was returned because of a problem with the undeliverable email itself.” The office action affirmatively agrees that Petry does not disclose or suggest act (f) of claim 1. However, the citations to Petry do not support a suggestion or teaching for act (d): if the sending mail server in Petry gets its emails returned, then by definition it was never received by the Petry EMS. This again flows from the fundamental flaw in Petry: it is directed to an EMS that processes received emails; it cannot detect returned emails from the sending mail server because such emails would not be received by the EMS. Accordingly, claim 1 and its dependent claims 2-8 are allowable over Petry. Independent claim 9 and its dependent claims 10, 11, and 13-16 are allowable over Petry for analogous reasons.

The secondary Gupta reference does nothing to cure the infirmities of the base Petry reference. Accordingly, the pending claims are in condition for allowance over the combination of Petry and Gupta.

The rejection of claims 4 and 12 as being unpatentable over Petry-Gupta and further in view of Savchuk (2005/0055399)

Savchuk does nothing to cure the infirmities of Petry and Gupta discussed above. Thus, claims 4 and 12 are allowable over the combination of the Petry, Gupta, and Savchuk references.

The rejection of claim 17 as being unpatentable over Petry-Gupta and further in view of Allaire (“Coldfusion publication, 1995-1999”)

The Coldfusion publication does nothing to cure the infirmities of the Petry and Gupta references discussed above. Thus, claim 17 is allowable over the combination of Petry, Gupta, and the Coldfusion publication.

If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

Certificate of EFS Web Transmission

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office, via EFS Web Transmission, on the date shown below.



Jean F. Heuler

Date of Signature 2-25-09

Respectfully submitted,



Jonathan W. Hallman  
Attorney for Applicant(s)  
Reg. No. 42,622  
Customer No. 32,605